

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

URIEL NIETO,

NO. 1:24-CV-00741-BAM

Plaintiff,

**NOTICE OF DIRECT ASSIGNMENT
TO MAGISTRATE JUDGE**

v.

CITY OF VISALIA, ET AL.,

Defendant(s).

This action has been directly assigned to Magistrate Judge Barbara A. McAuliffe under the Court's automated case assignment plan. See Local Rules, Appendix A, subsection (m).

The parties are encouraged to consider consenting to a United States Magistrate Judge to conduct all proceedings in this action as the Fresno Division of the Eastern District of California now has one of the heaviest District Judge caseloads in the entire nation. Due to the District Judges' heavy caseload, resolution of dispositive motions may be delayed for many months and civil trials may be trailed indefinitely with little notice before commencement of trial before the United States District Judge. The law requires the District Judge give any criminal case priority over civil trials and other matters, and the District Judge must proceed with criminal trials even if a civil trial is older or was set earlier. Continuances of civil trials under these circumstances will no longer be entertained, absent a specific and stated finding of good cause. If multiple trials are scheduled to begin on the same day, this civil trial will trail day to day, or week to week, until completion of any criminal case or older civil case.

To consent to the jurisdiction of the Magistrate Judge for all purposes, including for the entry of final judgment, the parties may do so using the “Consent to Assignment or Request for Reassignment” form. See 28 U.S.C. § 636(c). There is no obligation to consent, and the parties may consent or withhold consent without any adverse substantive consequences. See Fed. R. Civ. P. 73(b)(2); P. 73(b)(2); 28 U.S.C. § 636(c)(2). Further, the judges will be informed of a party’s designation only if all parties have consented. See Fed. R. Civ. P. 73(b)(1).

If any party requests reassignment to a United States District Judge, the Clerk of the Court will randomly assign a District Judge as presiding judge, with the Magistrate Judge continuing to be assigned to the case for those purposes anticipated by the Local Rules. While the parties are free to withhold consent, receipt of a consent designation assists the Court in determining how the action will be administratively processed, and therefore the parties are encouraged to make their election promptly and notify the Clerk of the Court as soon as practicable.

Further, IT IS HEREBY ORDERED that when serving process under Federal Rule of Civil Procedure 4, the plaintiff(s) shall provide each defendant with a copy of this notice and the “Consent to Assignment or Request for Reassignment” information, and the service of process form shall denote service of these documents was effectuated.

/s/ BARBARA A. McAULIFFE
UNITED STATES MAGISTRATE JUDGE

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